

REMARKS

Claim Rejections

Claims 1-6 are rejected under 35 U.S.C. § 102(e) as being anticipated by Wachi et al. (US 2003/0085649). Claims 7-12 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Wachi et al. in view of Nakano et al. (US 6,319,598).

Amendments to Specification

Applicant has amended the Specification as noted above to cure obvious grammatical and idiomatic inaccuracies and to provide a tile more descriptive of the claimed invention. It is believed that the foregoing amendments to the Specification overcome the outstanding objections thereto. No "new matter" has been added to the original disclosure by the foregoing amendments to the Specification.

Drawings

It is noted that the Examiner has accepted the drawings as originally filed with this application.

Claim Amendments

By this Amendment, Applicant has canceled claims 2 and 8, and amended claims 1, 3, 7, 9, and 12 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

Wachi et al. relates to a combination of a flat display panel main body (2) and a front protective plate (3). According to paragraph 33, the flat display panel main body (2) can be various flat display panels such as PDP (i.e., plasma display panel). Wachi et al. teaches, in paragraph 37, the front protective plate (3) comprises a highly rigid transparent substrate (4) made of glass (i.e., a glass layer), a translucent electrically conductive layer (5), an antireflection layer (6), and an adhesive layer (7), wherein both the electrically conductive layer (5) and the antireflection layer (6) are

on a first side of the glass substrate (4), and the adhesive layer (7) is on a second side. Moreover, in paragraph 40, lines 1 to 4, Wachi et al. discloses unitedly bonding the front protective plate (3) having the glass substrate (4) to the surface (2a) of the PDP main body (2). Paragraph 40, lines 28 to 31, also discloses that the glass plate constituting the surface (2a) of the PDP main body (2) and the glass substrate (4) are bonded by means of the adhesive layer (7).

Wachi et al. states, page 3, lines 15-22:

Further, as the glass plate constituting the surface 2a of the PDP main body and the highly rigid transparent substrate 4 are bonded by means of the adhesive layer 7, the reflection on the interface can significantly be reduced, and a double image due to reflection of an external object can be minimized, as compared with a case where the protective plate is disposed on the surface 2a of the PDP main body with an air gap.

Applicant respectfully submits the symbol (14), shown in Figure 2 of Wachi et al. actually represents the glass substrate of the filter, rather than the front glass of display panel. The display panel structure of Wachi et al. is different from that of the present invention, and the filter of the display panel structure of Wachi et al. must contain a glass layer.

In the present invention, amended claim 1 is directed toward a display panel structure comprising a plasma display panel and a filter, wherein the filter is directly formed upon the front glass of the plasma display panel and does not include a glass layer. By adopting the aforementioned unique combination, the present invention provides a display panel structure that contains no air gap between the plasma display panel and the filter and is thinner, lighter, and cheaper display panel structure than conventional structures, without undesirably affecting the strength of the structure. Wachi et al. also relates to a combination of a plasma display panel and a filter, but the combination is different from that of the present invention.

Wachi et al. do not teach a filter directly formed upon the front glass and does not include a glass layer.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed

structure. Applicant submits that it is abundantly clear, as discussed above, that Wachi et al. do not disclose each and every feature of Applicant's amended claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Wachi et al. cannot be said to anticipate any of Applicant's amended claims under 35 U.S.C. § 102.

The reference to Nakano et al. teaches an electromagnetic wave attenuating transparent member and is cited for teaching a PDP with a filter on a surface of a television set.

Nakano et al. does not teach a filter directly formed upon the front glass and does not include a glass layer.

Even if the teachings of Wachi et al. and Nakano et al. were combined, as suggested by the Examiner, the resultant combination does not suggest: a filter directly formed upon the front glass and does not include a glass layer.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Wachi et al. or Nakano et al. that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Wachi et al. nor Nakano et al. disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's amended claims.

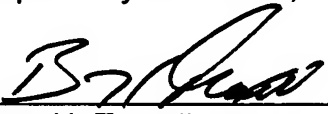
Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: October 14, 2005

By:



Bruce H. Troxell
Reg. No. 26,592

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707